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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Royce A. Pearson

11 Plaintiff,

No. CIV S-05-0490 LKK CMK P

12 vs.

13 C.E. Finn, et. al.,

14 Defendants.

FINDINGS & RECOMMENDATIONS

15 _____/
16 Plaintiff is a state prisoner who is proceeding pro se and in forma pauperis.

17 Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.


18 By order filed June 9, 2005, the court dismissed plaintiff's claims with leave to
19 amend the complaint within thirty days. The thirty day period has now expired, and plaintiff has
20 not filed an amended complaint or otherwise responded to the court's order.

21 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's complaint be
22 dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

23 These findings and recommendations are submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
25 twenty days after being served with these findings and recommendations, plaintiff may file
26 written objections with the court. The document should be captioned "Objections to Magistrate

1 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
2 within the specified time may waive the right to appeal the District Court's order. Martinez v.
3 Ylst, 951 F.2d 1153 (9th Cir. 1991).

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5 DATED: October 24, 2005.

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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